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Dale v. Grant, 34 N. J. Law 142; *Anthony v. Sluid*, 52 Mass. 290. This principle would seem to be helpful also where the defendant's duty, if any, to the plaintiff depends upon the defendant's performance or non-performance of a contract with a third party. *Pittsfield Cottonwear Mfg. Co. v. Pittsfield Shoe Co.*, 71 N. H. 522. In numerous cases where property was damaged by fire, the owner was denied recovery in tort against the water company for failure to maintain in its pipes the pressure required by contract with the municipality. *Boston Safe-Deposit and Trust Co. v. Salem Water Co.*, 94 Fed. Rep. 238. This view seems sound, since the defendant could not have foreseen this damage as the almost inevitable result of his breach of contract.

THE HISTORY AND THEORY OF THE LAW OF DEFAMATION. — A scholarly and interesting treatise on this subject by Mr. Van Vechten Veeder is begun in 3 Columbia L. Rev. 546 (Dec. 1903). In early times reputation was amply protected by the seignorial and ecclesiastical courts; but with the decay of the former and the discontent with the procedure and remedies of the latter, the writer shows that the growing jurisdiction of the king's courts came to be extended to defamation. Sitting in the "starred chamber," the king's council also exercised a jurisdiction, limited to the aristocracy, over the statutory offense known as *De Scandalis Magnatum*, which was directed at first chiefly against sedition and turbulence, but which by the time of Elizabeth extended to non-political defamation. It was at this time also, says the writer, that the king's courts acquired a considerable bulk of litigation in defamation, and formulated the rules which, though then applied alike to written and oral words, came to be applied exclusively to oral defamation. These rules, really in the form of exceptions to unbridled license of speech, depended either on the nature or substance of the imputation, for example, a charge of crime; or on the consequences of the imputation, that is, special damage. The invention of printing, with its consequent spread of reading and writing, brought new dangers to the absolute monarchy; censorship of the press became part of the royal prerogative. The Star Chamber undertook jurisdiction over this alarming form of scandal. Unfettered by rules, it boldly borrowed from the Roman criminal law, but with important modifications and additions of its own, particularly the fundamental principle that libel is punishable as a crime because it tends to a breach of the peace. After the abolition of the Star Chamber the power of censorship steadily waned, and there grew up in the common law, to restrain non-political, non-criminal libel, the civil doctrine of libel, "that although words 'spoken once' would not be actionable, 'yet they being writ and published' became actionable." The writer examines the reasons usually advanced for the common law distinctions which in time came to be established between libel and slander, and comes to the sound conclusion that "an actionable test may be rationally based upon the character of the publication, perhaps upon the motive with which it was published, but not upon its form."

THE NORTHERN SECURITIES CASE. — Professor Langdell's attack on the Merger decision in 16 HARV. L. REV. 539 has elicited a spirited answer from ex-Governor Chamberlain of South Carolina. *The Northern Securities Case; a Reply to Professor Langdell*, by Daniel H. Chamberlain, 13 Yale L. J. 57. The author is no less outspoken in his approval of the decision than was the article which he attacks in its denunciation. Far from being a thoroughly "iniquitous decree," he pronounces it "a beacon marking a great victory in the struggle of justice" and "absolutely dictated and compelled" by the three previous decisions of the Supreme Court, relied on by the Circuit Court of Appeals, viz., *U. S. v. Trans-Missouri Freight Association*, 166 U. S. 290; *U. S. v. Joint Traffic Association*, 171 U. S. 505; and *Addystone Pipe and Steel Co. v. U. S.*, 175 U. S. 211.

Mr. Chamberlain sees no bearing in the position taken by Professor Langdell that the Sherman Act is "a criminal statute, pure and simple," which does not make the forbidden acts civil torts, since Congress expressly gave the court jurisdiction in equity to restrain such acts; and the power of Congress to do this is unquestioned. He contends that the statute does apply in terms to railway companies, whether or not it was so intended; and at all events considers that question to have been finally settled in *United States v. Trans-Missouri Freight Association*. The proposition that the carriage of persons and goods is not "trade or commerce" within § 2 of the Act, he regards as too preposterous for comment. And, finally, to the argument that there can be no conspiracy where "only one person" is concerned, he answers that there were three distinct corporations which were formal defendants on the record as well as real defendants in the untechnical sense.

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- A DANGEROUS TENDENCY. *Wm. A. Glasgow*. A protest against an alleged legislative tendency toward paternalism. 37 Am. L. Rev. 845.
- ALASKA TRIBUNAL AND INTERNATIONAL LAW. *Thomas Hodgins*. 23 Can. L. T. 435.
- ATTITUDE OF THE BRITISH GOVERNMENT TOWARDS LEGAL CONFERENCES. *G. F. Phillimore*. 29 Law Mag. & Rev. 1.
- BONUS UNDER THE NEW LAND ACTS, THE. *Anon.* 37 Irish L. T. 487.
- CAN A MARRIED WOMAN ACQUIRE TITLE TO LAND BY DISSEIZIN. *Joseph H. Blair*. 57 Central L. J. 485.
- COMMENTS UPON SOME RECENT NEW JERSEY CASES ON CORPORATE CONTRACTS IN RESTRAINT OF TRADE. *Norman Grey*. 42 Am. L. Reg. 672.
- COMMERCIAL LAW AND MODERN COMMERCIAL COMBINATIONS. Part of the report of the Committee of the American Bar Association. 37 Am. L. Rev. 828.
- CONCERNING A DISMEMBERMENT OF THE WELL KNOWN AND TIME-HONORED TITLES OF THE LAW. *Anon.* A criticism of the system of classification used in some digests and cyclopedias. 11 Am. Lawyer 491.
- CONTEMPT OF COURT. *Anon.* Discussing the power of a court of appeal to punish for an act committed during the trial of a case, and advocating legislation in Australia. 35 Aust. L. T. 75.
- CONTINGENT FEES. *Robert H. Patton*. Discussing contracts for contingent fees in damage cases and the rights of an attorney thereunder. 36 Chic. L. News 127.
- DEVELOPMENT OF EQUITY. *Eugene B. Grey*. 18 Chic. L. J. 641, 655.
- DISCOVERY AND PRODUCTION. *Robb McKay*. Contrasting the law in England and Ontario. 39 Can. L. J. 762.
- DUE PROCESS OF LAW. *Alton B. Parker*. 37 Am. L. Rev. 801.
- EFFECT OF THE IMITATIVE INSTINCT OF THE COMMON LAW. *Wm. M. Blatt*. Pointing out some absurdities resulting from the doctrine of *stare decisis*. 37 Am. L. Rev. 892.
- ELECTION OF FEDERAL JUDGES. *Frederick Bausman*. A reply to a previous article which advocated popular election. 37 Am. L. Rev. 886.
- EQUITABLE LIABILITY OF STOCKHOLDERS. *George B. Barrows*. 13 Yale L. J. 66.
- EXPANSION OF THE COMMON LAW. *Sir Frederick Pollock*. One of a series of lectures delivered in this country. 3 Columbia L. Rev. 505.
- FAILURE OF CONSIDERATION OR FAILURE OF PERFORMANCE. *H. T.* A plea for discrimination in the use of the terms. 7 Law Notes (N. Y.) 164.
- FEDERAL INCORPORATION FOR COMPANIES ENGAGED IN INTERSTATE COMMERCE. *Henry W. Palmer*. 27 Natl. Corp. Rep. 376.
- FEDERAL TENURES IN WESTERN INDIA. *J. A. Saldanha*. 5 Bombay L. Rep. 188.
- FOREIGN VOLUNTARY ASSIGNMENTS FOR THE BENEFIT OF CREDITORS. Part II. *Edson R. Sunderland*. 2 Mich. L. Rev. 180. See *supra*.
- HINDU AND MOHAMMEDAN RELIGIOUS ENDOWMENTS. *Anon.* 13 Madras L. J. 230.
- HINDU LAW IN 1902. *Anon.* Résumé of decisions. 5 Bombay L. Rep. 179.
- HOMICIDE IN SELF-DEFENSE. *Jos. H. Beale, Jr.* 3 Columbia L. Rev. 526.
- INALIENABLE RIGHTS. THE ILLEGALITY OF COLLECTIVE BARGAINING. *Jonathan Ross*. Discussing the inalienability of the right to life, liberty, and the pursuit of happiness. 15 Protectionist 1109.
- JUDICIAL SALARIES LAW IN PENNSYLVANIA. *Luther E. Hewitt*. 42 Am. L. Reg. 653.
- LAW OF COMPENSATION FOR IMPROVEMENTS EFFECTED BY PERSONS IN POSSESSION OF LAND IN AUSTRALIA. *Anon.* 13 Madras L. J. 223.

- LAW OF REASON, THE. *Sir Frederick Pollock*. One of a series of lectures delivered in this country. 2 Mich. L. Rev. 159.
- LAW RELATING TO ARBITRATION. *S. N. R.* Discussing duties and powers of arbitrators. 8 Calcutta W. N. 19.
- LAW AND LAW MAKING. *Henry Hilton Brown*. 29 Law Mag. & Rev. 8.
- LAW'S DELAY, THE. *John F. Baker*. Detailed suggestions to the commissioners appointed by the Governor of New York to investigate the delays and expenses in the administration of justice. 65 Albany L. J. 372.
- LEGAL ASPECTS OF THE PANAMA SITUATION. *Edwin Maxcy*. 13 Yale L. J. 85.
- LIABILITY FOR BREAKING ELECTRIC WIRES. *Anon.* 10 Case & Com. 63. See *supra*.
- LIABILITY OF TRUST COMPANIES ACTING AS TRANSFER AGENTS. *Charles A. Greane*. 10 Case & Com. 73.
- MENTAL ANGUISH DOCTRINE IN TELEGRAPH CASES. *Francis Raymond Stark*. 7 Law Notes (N. Y.) 169.
- NATURAL BORN CITIZEN. *Alexander P. Morse*. Discussing the eligibility for the office of President. 3 Wash. L. Rep. 823.
- NEGOTIABLE AND NON-NEGOTIABLE PAPER. *Percy R. Wilson*. 11 L. Stud. Helper 369.
- NEGOTIABLE INSTRUMENTS ACT IN THE MICHIGAN LEGISLATURE. *George W. Bates*. Advocating adoption of the law. 37 Am. L. Rev. 873.
- NONSUITS, OLD AND NEW. *Theodore F. Demarest*. Discussing New York decisions. 65 Albany L. J. 363.
- NORTHERN SECURITIES CASE; A REPLY TO PROFESSOR LANGDELL. *Daniel H. Chamberlain*. 13 Yale L. J. 57. See *supra*.
- POWER OF THE STATE BOARD OF HEALTH UNDER THE MISSOURI CONSTITUTION TO REVOKE A PHYSICIAN'S LICENSE. *Edw. J. White*. 57 Central L. J. 423.
- RATIFICATION IN THE LAW OF AGENCY. *Arthur Guinn*. 57 Central L. J. 463.
- REASONABLE RATES. *Alton D. Adams*. Discussing the historical development of the subject in the Supreme Court. 12 Jour. of Pol. Econ. 79.
- REFORM IN MARITIME LAW. *James G. Whiteley*. Advocating the adoption of the proposed international code. 37 Am. L. Rev. 863.
- RIGHTS OF PRIVACY. *John A. Montgomery*. 36 Chic. L. News 126.
- SOME DECISIONS UNDER THE COMPANIES ACTS (1062-1900). *N. W. Sibley*. 29 Law Mag. & Rev. 69.
- SPECIFIC PERFORMANCE. *W. Donaldson Rawlins*. A chatty outline of the growth and scope of the doctrine. 29 Law Mag. & Rev. 37.
- STATUS OF AN INNOCENT CONVICT. *C. H. P.* 7 Law Notes (N. Y.) 166.
- STATUTORY RESTRAINTS UPON THE MARRIAGE OF DIVORCED PERSONS. *H. J. Whitmore*. 57 Central L. J. 444.
- TAXATION OF STOCK EXCHANGE SEATS. *P. H.* 7 Law Notes (N. Y.) 165.
- WHAT CONSTITUTES A "CONDITION OF PEONAGE." *Anon.* 57 Central L. J. 441.
- WHETHER THE GIVING OF TRADING STAMPS IS SUBJECT TO PROHIBITIVE LEGISLATION. *Anon.* 57 Central L. J. 421.
- WORKING OF THE REGISTRATION OF WILLS ACTS IN IRELAND, THE. *Richard J. Kelly*. 29 Law Mag. & Rev. 25.

II. BOOK REVIEWS.

YEAR BOOKS OF EDWARD II. Vol. I. Edited for the Selden Society by F. W. Maitland. Being Volume XVII, for the year 1903. London: Bernard Quaritch. 1903. pp. xciv, 258. 8vo.

It is hard to speak with due moderation of such a book as this. It is so full of learning, so interesting in what it contains, and above all so full of hope and promise for the future, that one's first feeling is merely one of gratitude to the great scholar from whose brave patience and perseverance it has resulted.

For two centuries and a half the year books were a graphic record of the proceedings of the king's courts. Not only the progress of the law, but in a great degree the progress of national life, must be traced in their pages. In them the lawyer finds the history of his law, the historian finds the most authentic source of knowledge of the life of the times, the economist gets his data, and the student of literature finds dramas of real life told with admirable art. Yet of this long series of priceless documents only about half has ever been put into print; and